

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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| VINCO VENTURES, INC, f/k/a EDISON NATION INC, <i>et al.</i> , | : |                  |
|   | : |                  |
| Plaintiffs,   | : |                  |
|   | : |                  |
| v.  | : | No. 5:20-cv-6577 |
|   | : |                  |
| MILAM KNECHT & WARNER, LLP, <i>et al.</i> ,                   | : |                  |
|   | : |                  |
| Defendants.   | : |                  |

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**O R D E R**

**AND NOW**, this 27<sup>th</sup> day of September, 2021, upon consideration of the Motion to Dismiss of Defendants Gerald Whitt, Alexander Whitt, Christopher Whitt, Matthew Whitt, and Deborah Milam, ECF No. 30, Plaintiffs' response in opposition, ECF No. 34, Defendants' reply in support, ECF No. 39, and for the reasons set forth in the Court's Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss, ECF No. 30, is **GRANTED in part and DENIED in part** as follows:

a. Defendants Alexander Whitt, Christopher Whitt, Matthew Whitt, and Deborah Milam are **DISMISSED** for lack of personal jurisdiction. Accordingly, of the above-listed Defendants, only Gerald Whitt remains.

b. The following claims are **DISMISSED** as against Gerald Whitt without prejudice:

1. Plaintiffs' Conspiracy Claim (Count IV);
2. Plaintiffs' Abuse of Process Claim (Count VI);
3. Phillip McFillin's Civil Extortion Claim (Count VII); and
4. Chris Ferguson's Defamation Claim (Count IX).

c. The following claims may proceed as pleaded against Gerald Whitt:

1. Vinco Venture's (f/k/a Edison Nation) Trade Libel Claim (Count VIII);

2. Phillip McFillin's Defamation Claim (Count X); and
3. Plaintiffs' Unfair Business Practices Claim (Count V).

2. Plaintiffs are granted leave to amend their Amended Complaint, as to those claims dismissed as against Gerald Whitt, only, without prejudice, **within twenty (20) days of the date of this Order.**

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.*  
JOSEPH F. LEESON, JR.  
United States District Judge